



Docket No.: 64995(70904)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kazuhiro Kondo

Application No.: 10/570,589

Filed: February 28, 2006

For: RECOMBINANT VIRUS VECTOR  
ORIGINATING IN HHV-6 OR HHV-7  
METHOD OF PRODUCING THE SAME,  
METHOD OF TRANSFORMING HOST  
CELL USING THE SAME, HOST CELL  
TRANSFORMED THEREBY AND GENE  
THERAPY METHOD USING THE SAME

Confirmation No.: 5282

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Defective Response mailed June 13, 2008, Applicant respectfully submits a Sequence Listing Diskette, a Sequence Listing Paper Copy, Statement Pursuant to 37 CFR 1.821(f), and a copy of the Notice.

Please charge our Deposit Account No. 04-1105 in the amount of \$1,040.00 covering the fees set forth in 37 CFR 1.17(a)(1) and 1.16(f). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 64995(70904). A duplicate copy of this paper is enclosed.

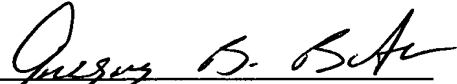
Application No.: 10/570,589

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Docket No.: 64995(70904)

Dated: July 13, 2008

Respectfully submitted,

By 

Gregory B. Butler, Ph.D., Esq.

Registration No.: 34,558

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

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Attorneys/Agents For Applicant

Customer No. 21874



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PCT 9

Application No. (if known): 10/570,589

Attorney Docket No.: 64995(70904)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EM258211984US in an envelope addressed to:

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on July 11, 2008  
Date

Signature

Lynn Marcus

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Defective Response (2 pages)  
Fee Transmittal (1 page)  
Statement Pursuant to 37 CFR 1.821(f) (2 pages)  
Sequence Listing Diskette  
Sequence Listing Paper Copy (222 pages)  
Copy of Notice of Defective Response (2 pages)



Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,040.00

### Complete if Known

Application Number	10/570,589-Conf. #5282
Filing Date	February 28, 2006
First Named Inventor	Kazuhiro Kondo
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	64995(70904)

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 04-1105 Deposit Account Name: Edwards Angell Palmer & Dodge LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims Extra Claims Fee (\$) Fee Paid (\$)  
26 - 26 = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)  
4 - 4 = x =

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)  
275 - 100 = 175 /50 = 4 (round up to a whole number) x 260.00 = 1,040.00

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	34,558	Telephone	(617) 517-5595
Name (Print/Type)	Gregory B. Butler, Ph.D., Esq.	Date	July 11, 2008		

07/17/2008 GFREY1 00000035 041105 10570589

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/570,589	Kazuhiro Kondo	6499570904

21874  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

INTERNATIONAL APPLICATION NO.
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PCT/JP04/12487

I.A. FILING DATE	PRIORITY DATE
08/30/2004	08/29/2003

**CONFIRMATION NO. 5282**  
**371 FORMALITIES LETTER**



Date Mailed: 06/13/2008

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 02/28/2006
- English Translation of the IA filed on 02/28/2006
- Copy of the International Search Report filed on 02/28/2006
- Preliminary Amendments filed on 02/28/2006
- Information Disclosure Statements filed on 02/28/2006
- Oath or Declaration filed on 06/12/2007
- Biochemical Sequence Listing filed on 06/12/2007
- U.S. Basic National Fees filed on 02/28/2006
- Priority Documents filed on 02/28/2006

Applicant's response filed 06/12/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/12/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1040** for a Large Entity:

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR**

**1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

- The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes **\$1040** for **175** pages in excess of **150** pages for a large entity.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FRANCINE YOUNG

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Telephone: (703) 308-9140 EXT 215